

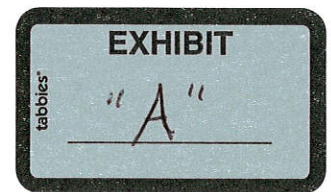
Julie Ziemendorf

From: Raul Carrillo <raul@carrillolaw.org>
Sent: Friday, May 08, 2015 12:05 PM
To: Christopher Tebo
Cc: Yosef Abraham; Elisa Romero; Julie Ziemendorf
Subject: FW: Zimmerman, et al. v. Lithia, et al. Cause No.: 2:13-CV--01182-RB/GBW

Please see my responses in red

Thanks.

From: Christopher Tebo [mailto:ctebo@hatchertebo.com]
Sent: Friday, May 08, 2015 11:39 AM
To: Raul Carrillo
Cc: Yosef Abraham; Julie Ziemendorf
Subject: RE: Zimmerman, et al. v. Lithia, et al. Cause No.: 2:13-CV--01182-RB/GBW



Dear Raul,

Obviously, it looks as if we disagree on what we agreed to during our telephone call yesterday.

Notwithstanding the three letters your office sent me this morning, I think the first thing that needs to be done is to nail down the timing of your document review on Sunday, which we have already agreed will in fact occur. The Court's order specifies that the "time and location will be agreed upon between the parties".

You propose the entire day on Sunday but that will not work with my previously arranged travel schedule from Santa Fe to Las Cruces, (or frankly, my prior family commitments on Mother's Day). If you had given me more than two days notice that you wanted to review those documents this weekend, I could have made alternative travel arrangements and perhaps been in LC earlier on Sunday. That said, I am willing to change my plans (and spend less time with my family this weekend) just in order to get down to Las Cruces in time for you to begin your review at 1 p.m. **This is acceptable and we are planning on being there at 1:00 p.m.**

Second, we will not agree to reschedule the previously noticed depositions of the individual defendants which are currently set for June 1, 2, and 3. Nor will we agree to have the depositions of Mr. Richardson or Ms. Rooper set for an earlier time period than what we discussed yesterday, either June 2 or 3, or June 8 or 9. You also need to tell us which deponent you will take first, Richardson or Rooper. **Rooper first.** This is not an unreasonable request and we have now asked twice for clarification as to which deponent you want first; they need to book their individual travel and need this information.

Finally, I believe we can deal with this disagreement between ourselves and don't believe we need a conference with the Judge to deal with what appear to be logistical issues. In any event, I tried to call you about an hour ago at your office to talk about these very issues, and neither you nor Yosef were available to talk. Unfortunately, I am not available after 12:30 p.m. this afternoon given a previously scheduled commitment.

I will have limited access to email between now and Sunday morning. The dealership, however, is on notice to have the files ready to review beginning on Sunday at 1 p.m.

Please let me know by email if in fact you intend to review the 2012 deal files on Sunday at 1 p.m. at the dealership. **We do intend to do so.**

Regards,
Chris

CHRISTOPHER J. TEBO

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From: Raul Carrillo [<mailto:raul@carrillolaw.org>]
Sent: Friday, May 08, 2015 11:02 AM
To: Pamela Collins; Yosef Abraham
Cc: Christopher Tebo; Julie Ziemendorf
Subject: RE: Zimmerman, et al. v. Lithia, et al. Cause No.: 2:13-CV--01182-RB/GBW

The content of this letter is completely incorrect – as I indicated to Mr. Tebo last night, we have drafted a letter to him this morning in which we document what we believe to be correct. We need to schedule a call for today to iron this out, or, need to have a conference with the Judge. What time are you available to talk Chris?

From: Pamela Collins [<mailto:pamelac@hatchertebo.com>]
Sent: Friday, May 08, 2015 10:56 AM
To: Raul Carrillo; Yosef Abraham
Cc: Christopher Tebo; Julie Ziemendorf
Subject: Zimmerman, et al. v. Lithia, et al. Cause No.: 2:13-CV--01182-RB/GBW

Attached is correspondence dated 5-08-15 regarding the above-referenced matter.

Pamela Collins
Legal Assistant
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May 8, 2015

VIA EMAIL

Raul Carrillo, Esq.
Yosef W. Abraham, Esq.
Carrillo Law Firm, P.C.
P.O. Box 457
Las Cruces, NM 88004-0457

RE: *Zimmerman, et al v. Lithia, et al*
Cause No.: 2:13-CV-01182-RB/GBW

Dear Counsel:

This correspondence follows on our telephone conversation of May 7, 2015 in which we discussed three issues including your client's depositions which are currently set for Monday and Tuesday, May 11 and 12, 2015, the ability of you and your clients to review deal files at the Lithia Las Cruces Dodge dealership, and the setting of the depositions of Lithia's 30(b)(6) designees, Gary Richardson and Laurie Rooper.

Our understanding from the conversation is that the parties agreed that Mr. Parker and Mr. Zimmerman's depositions would go forth as scheduled and that arrangements would be made for the review of deal file materials at the dealership on Sunday, May 9, 2015. Given the necessity of our travel to Las Cruces and the need for Lithia's counsel to be present during the time that you and your clients are at the dealership, we request that you immediately confirm your intention to review the documents at the dealership on May 10 and that we set the time of 1:00 p.m. MST for you to do that. We note that since the issuance of Judge Wormuth's Order on May 1, 2015, our conversation of May 7, 2015 was the first time that Plaintiffs' counsel formally requested a time be set for access to review those documents. While we are attempting in good faith to be as accommodating as possible to Plaintiffs' schedule, our own travel schedule precludes us from getting to Las Cruces any earlier than the aforementioned 1:00 p.m. time frame.

We also discussed the timing of Lithia's 30(b)(6) designee depositions. Mr. Richardson and Ms. Rooper, as well as our office, were proceeding on an understanding gained from our telephone conference with you in early April that their depositions would occur on May 19 and

Raul Carrillo, Esq.
Yosef W. Abraham, Esq.
May 8, 2015
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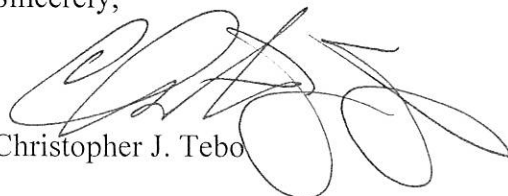
20. During our conversation yesterday, we discussed the need to reschedule those settings and it is our understanding that the parties agreed that Mr. Richardson and Ms. Rooper's depositions would take place on June 2 and 3, 2015 subsequent to Plaintiffs taking the depositions of the three individually named Defendants. Given the travel schedules and the logistics involved (related not just to the 30(b)(6) deponents traveling from Medford, Oregon, but also the need for Mr. Loza to travel from Roswell, New Mexico), we request that you immediately issue amended notices for Mr. Loza's deposition as well as Mr. Richardson and Ms. Rooper's settings.

Recognizing that it is Plaintiffs apparent intent to take the depositions of five individuals over the course of three days, we request that you confirm in writing that Plaintiffs understand they may not be able to exercise their full allocation of time under the Fed. R. Civ. Proc. as it relates to these five separate deponents. We also request that you provide us with a generalized schedule of when you anticipate taking the depositions of each individual named so that we can place them on notice as to what time they need to arrive for their setting. For example, if you believe that you will be taking Mr. Loza's deposition on the morning of June 2, then please inform us of the same and indicate when you anticipate being ready to take Mr. Richardson's deposition so that he and Ms. Rooper may plan accordingly.

We also write to respond to your correspondence of May 7, 2015 relative to the designation of Vincent Armijo as a 30(b)(6) deponent. Defendants do not designate Mr. Armijo as a 30(b)(6) deponent and reiterate that Mr. Richardson and Ms. Rooper are the two designees to provide testimony under Rule 30(b)(6) on behalf of the Corporate Defendants.

We look forward to your prompt attention to the issues raised above and look forward to hearing from you, in particular, regarding the Sunday afternoon review of dealership documents, as well as confirmation that the depositions of Mr. Richardson and Ms. Rooper will in fact be noticed for June 2 and 3, 2015.

Sincerely,



Christopher J. Tebo

CJT/pjc

cc: Ed Impert
Karen Davie
Carrie Kurzon
Vincent Armijo
Ray Alderette
Ruben Loza